

REMARKS

Applicant submits this Reply in response to the non-final Office Action mailed March 12, 2008. Before this response, claims 19-36 were pending, of which claims 19 and 27 were independent. In this response, Applicant has amended claims 19, 21, 27, 35, and 36, and has cancelled claims 20 and 28 without prejudice or disclaimer. As a result, claims 19, 21-27 and 29-36 are currently pending, of which claims 19 and 27 are independent.

In the non-final Office Action, the Examiner objected to claim 21 for a minor informality.¹ The Examiner rejected claims 19, 22, 24, 27, 28, 30, 32, 35, and 36 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,117,390 to Klarer et al. (“Klarer”). Claims 25 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klarer in view of U.S. Patent App. Pub. No. 2004/0236987 A1 to Greenspan (“Greenspan”). In addition, the Examiner identified allowable subject matter in claims 20, 21, 23, 26, 29, 31, and 34 and objected to these claims because of their dependencies on rejected base claims.

Objection to Claim 21

The Examiner objected to claim 21 for the minor informality of “lack[ing] proper antecedent basis for ‘in said set a faulty hardware function.’” Office Action, p. 2. In response, Applicant has amended claim 21 so as to clarify the antecedent issue pointed

¹ The Office Action contains a number of statements reflecting characterizations of the Applicant’s disclosure, including the claims, and the related art. Regardless of whether any such statement is specifically addressed herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

out by the Examiner. In view of the claim amendment, Applicant submits that the objection of claim 21 should be removed.

Rejections Under 35 U.S.C. § 102(e)

Claims 19, 22, 24, 27, 28, 30, 32, 35, and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Klarer. Although Applicant respectfully traverses the rejection under 35 U.S.C. § 102(e), Applicant has amended independent claims 19 and 27 to incorporate the allowable subject matter of previously-pending claim 20. Thus, amended independent claims 19 and 27 are now allowable. Accordingly, the rejection under 35 U.S.C. § 102(e) is now moot. Claims 22, 24 and 30, 32, 35, and 36 depend from either claim 19 or 27 and are also allowable. Applicant has cancelled dependent claim 28, rendering the 35 U.S.C. § 102(e) rejection moot. Applicant therefore respectfully requests prompt allowance of the instant application.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected dependent claims 25 and 33 for being unpatentable under 35 U.S.C. § 103(a) over Klarer in view of Greenspan. Notwithstanding any teachings of Klarer or Greenspan relative to the subject matter recited in claims 25 and 33, these pending claims depend on independent claims 19 and 27, respectively, which, as discussed above, have been amended to incorporate the allowable subject matter of previously-pending claim 20. Therefore, dependent claims 25 and 33 are allowable for at least the same reasons.

Conclusion

The preceding remarks are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not

addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced without prejudice to other possible bases of patentability.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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